

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JUDITH RÉ,)	Plaintiff, P. 2/35
)	
)	Civil Action No. 04-11385-RGS
)	<i>MAILED 10/21/04 10:35 AM CLERK'S OFFICE</i>
v.)	
JODI R.R. SMITH, AND)	
BARNES & NOBLE, INC.,)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendants Barnes & Noble, Inc. and Jodi R. R. Smith (collectively, “Defendants”), by their undersigned counsel, hereby move for Summary Judgment as to all counts of Plaintiff Judith Ré’s (“Plaintiff”) Complaint.

In support hereof, all as more fully set forth in the Rule 56.1 Statement of Undisputed Facts, memorandum of law and affidavits which accompany this motion, Defendants state that there are no material facts in dispute and that, under the relevant authorities, they are entitled to the above-requested Summary Judgment in their favor.

WHEREFORE, Defendants Barnes & Noble, Inc. and Jodi R. R. Smith respectfully request that the Court (i) enter Summary Judgment in their favor as to all counts of Plaintiff’s Complaint; and (ii) grant such other and additional relief as the Court may deem just and proper.

Dated: November 24, 2004

DEFENDANTS JODI R. R. SMITH and
BARNES & NOBLE, INC.

By their attorneys,

JH E 2

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LOCAL RULE 7.1 CERTIFICATION

On November 24, 2004, counsel for Defendants conferred by telephone with counsel for the Plaintiffs and counsel for the Plaintiffs did not assent to the relief requested in this motion.



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CERTIFICATE OF SERVICE

I declare under penalty of perjury that on this day a true copy of the above document was served upon the attorney of record for each party *by mail by hand*.

Date: 11-24-04

